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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/063,776	05/12/2002	Yu-Sheng Lin	ATCP0004USA	1065
27765	7590	07/01/2004	EXAMINER	
NAIPO (NORTH AMERICA INTERNATIONAL PATENT OFFICE) P.O. BOX 506 MERRIFIELD, VA 22116			TAYLOR, BARRY W	
		ART UNIT	PAPER NUMBER	
		2643	4	
DATE MAILED: 07/01/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/063,776	LIN ET AL.
	Examiner Barry W Taylor	Art Unit 2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-5 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-5 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)              |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ . | 6) <input type="checkbox"/> Other: ____ .  |

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to because figures 1 and 2 both labeled as prior art. It appears that figure 2 is an environment diagram of a management switch according to present invention verses "Prior art" as currently depicted. Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takamatsu (JP 09027823) in view of Daimon et al (6,510205 hereinafter Daimon).

Regarding claim 1. Takamatsu teaches a fault information notice system (abstract, figure 1) wherein management switch (13 figure 1) is used to monitor network (1A, 1B and 1C). At an intermediate level, the network can include relay devices such as a circuit section (12A figure 1), as well as other familiar types (12B figure 1). The management switch (13 figure 1) collects failure information (131 figure 1) and determines if it is important failure (132 figure 1) whereby it is presented to a manager in vicinity of an in-network display device (2 figure 1). On the other hand, if it is important failure and manager not in vicinity of the in-network display device (2 figure 1) then modem dialer (15 figure 1) used to notify the manager at remote location (41 or 42 figure 1).

Takamatsu does not show generating an associated emergency condition identifier used for emergency call-out program.

Daimon also teaches informing system that informs an optimum person to be called of a failure when a failure occurs in an information processing system such as network (col. 5 lines 24-27). Daimon invention also displays failure information to local display device (14 figure 2) as well as at remote locations (see top right of figure 2 wherein remote PC, telephone, mobile phone and facsimile may be notified, col. 7 lines 41-46) by using device to-be-called list (22 and 33 figure 2). The device to-be-called lists having a record of the types of the device to be called that is used for calling and the priorities of call numbers corresponding to the failure situation and the failure time (abstract, col. 2 lines 17-34, col. 3 line 5 – col. 4 line 21). Daimon also uses calling means (16 figure 2) for searching the device-to-be-called list using the failure situation and the failure time as keys and for calling by determining the type of the device to be called and the call number (abstract, col. 2 lines 17-34, col. 3 line 5 – col. 4 line 21, col. 5 lines 8-58, col. 6 lines 12-65, col. 7 lines 5-65, columns 8-11).

It would have been obvious for any one of ordinary skill in the art at the time of invention to modify the management switch (13 figure 1) as taught by Takamatsu to incorporate device-to-be-called lists as taught by Daimon enabling for persons-to-be-called based on failure situation including date and time as taught by Daimon.

Regarding claim 2. Takamatsu uses cable to connect and notify in-network device (2 figure 1) of failure and uses modem dialer (15 figure 1) to connect to remote device (41 or 41 figure 1).

Regarding claim 3. Takamatsu teaches management switch (13 figure 1).

Regarding claim 4. Takamatsu fails to show using emergency condition identifier used to locate an entry and to leave a message at device according to data in the located entry.

Daimon also teaches informing system that informs an optimum person to be called of a failure when a failure occurs in an information processing system such as network (col. 5 lines 24-27). Daimon invention also displays failure information to local display device (14 figure 2) as well as at remote locations (see top right of figure 2 wherein remote PC, telephone, mobile phone and facsimile may be notified, col. 7 lines 41-46) by using device to-be-called list (22 and 33 figure 2). The device to-be-called lists having a record of the types of the device to be called that is used for calling and the priorities of call numbers corresponding to the failure situation and the failure time (abstract, col. 2 lines 17-34, col. 3 line 5 – col. 4 line 21). Daimon also uses calling means (16 figure 2) for searching the device-to-be-called list using the failure situation and the failure time as keys and for calling by determining the type of the device to be called and the call number (abstract, col. 2 lines 17-34, col. 3 line 5 – col. 4 line 21, col. 5 lines 8-58, col. 6 lines 12-65, col. 7 lines 5-65, columns 8-11).

It would have been obvious for any one of ordinary skill in the art at the time of invention to modify the management switch (13 figure 1) as taught by Takamatsu to

incorporate device-to-be-called lists as taught by Daimon enabling for persons-to-be-called based on failure situation including date and time as taught by Daimon.

Regarding claim 5. Method claim 5 is rejected for the same reason as apparatus claim 1 since the recited apparatus would perform the claimed method steps.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry W. Taylor whose telephone number is (703) 305-4811. The examiner can normally be reached on Monday-Friday from 6:30am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (703) 305-4708. The fax phone number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Technology Center 2600 customer service Office whose telephone number is (703) 306-0377.



CURTIS KUNTZ  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600